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8
9 **UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA

10 CHAUNTEL RAMPP,

Case No. 3:11-cv-03017-BTM-NLS

11 Plaintiff

Hon. Barry Ted Moskowitz

12 v.

13 OCWEN FINANCIAL CORPORATION,
14 AND DOES 1 THROUGH 20;

**NOTICE OF DEFENDANTS' MOTION
TO DISMISS PLAINTIFF'S SECOND
AMENDED COMPLAINT PURSUANT TO
FED.R.CIV.P. RULE 12(b)(6)**

15 Defendants.

[Motion and Request for Judicial Notice filed
concurrently herewith]

16
17 **NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT**

18
19 Complaint filed: December 27, 2011
SAC filed: August 7, 2012

20
21 DATE: October 12, 2012
TIME: 11:00 a.m.
Ctrm: 15

22
23 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

24 PLEASE TAKE NOTICE that Ocwen Loan Servicing, LLC ("OLS") and Ocwen
25 Financial Corporation ("Defendant") (OLS and Defendant, collectively are "Defendants") will
26 and hereby do move this Court to dismiss, with prejudice, the Second Amended Complaint
27 ("SAC") filed by CHAUNTEL RAMPP ("Plaintiff") on file herein.

28 This Motion is brought pursuant to Federal Rule of Civil Procedure 12(b)(6), on the

1 grounds that the SAC fails to state a claim upon which relief may be granted.

2 The Motion is based upon this Notice, the concurrently filed Memorandum of Points and
3 Authorities, the Request for Judicial Notice, and upon all papers and documents on file herein,
4 the Court's files concerning this action, together with those facts and documents of which the
5 parties request judicial notice and/or matters which judicial notice is proper, as well as any oral
6 argument that may be presented at the time of the hearing. However, there will be **NO ORAL**
7 **ARGUMENT UNLESS REQUESTED BY THE COURT.**

8 Pursuant to Local Rule 7-1, "Any Opposition to a motion must be served and filed not
9 less than 14 days before the hearing date." Failure to file a timely opposition may be deemed by
10 the Court that there is no opposition to the motion and the relief requested.

11 DATED: August 24, 2012

HOUSER & ALLISON
A Professional Corporation

13 /s/ Bryan P. Regan
14 ERIC D. HOUSER
15 BRYAN P. REGAN
16 Attorneys for Defendants,
Ocwen Loan Servicing, LLC
and Ocwen Financial Corporation

CERTIFICATE OF SERVICE

2 STATE OF CALIFORNIA)
3 COUNTY OF SAN DIEGO)
) SS

4 I am employed in the County of San Diego, State of California. I am over the age of 18
5 and not a party to the within action. My business address is 701 Palomar Airport Drive, Suite
200 Carlsbad, California 92011

On August 24, 2012, I served the following document(s) described as follows:

**NOTICE OF DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S SECOND
AMENDED COMPLAINT PURSUANT TO FED.R.CIV.P. 12(b)(6)**

on the following interested parties in this action:

10 Joseph J. Rego, Esq. (SBN: 163183)
11 Law Office of Joseph Rego
12 3443 Camino Del Rio S., Ste 300
San Diego, CA 92108

14 [X] **BY ELECTRONIC MAIL:** I transmitted the document(s) listed above electronically
15 either by e-mail or by electronic filing through the CM/ECF system to the e-mail
16 addresses listed above. I am readily familiar with firm's Microsoft Outlook e-mail
system and the United States District Court's CM/ECF System, and the transmission was
reported as complete, without error.

17 I declare under penalty of perjury, under the laws of the State of California that the
18 foregoing is true and correct.

19 || Executed on August 24, 2012 at Carlsbad, California.

/s/ Bryan P. Regan